

**NOTICE OF APPEAL  
TO  
U.S. COURT OF APPEALS, THIRD CIRCUIT**

25

**U.S. District Court for the District of Delaware**

**CIRCUIT COURT  
DOCKET NUMBER:** \_\_\_\_\_  
(leave blank)

**FULL CAPTION IN DISTRICT COURT AS FOLLOWS:**

Emerald Ridge Service Corp. d  
Cathy Brooks-McCallum

**DISTRICT COURT  
DOCKET NUMBER:** 04-419 (JJF)

v.

State Farm Insurance Co.

**DISTRICT COURT  
JUDGE:** Judge Farnan

Notice is hereby given that Emerald Ridge Service Corp. d Cathy Brooks-McCallum  
(Named Party)

appeals to the United States Court of Appeals for the Third Circuit from [ ] Judgment, [☒] Order,

[ ] Other (specify) Appellee State Farm was not and is not being sued in  
any state court proceedings and jurisdiction of all items fall under the US court  
entered in this action on 31st day March  
(date)

Dated: April 2, 2005

Cathy D. Brooks-McCallum  
(Counsel for Appellant-Signature)

Cathy Brooks-McCallum  
(Name of Counsel - Typed)

115 Emerald Ridge Dr.  
(Address)

Bear, DE 19701  
(City, State Zip)

(302) 832-2694  
(Telephone Number)

Stephen P. Casarino  
(Counsel for Appellee)

800 North King St., Suite 200  
(Address)

Wilmington DE 19801  
(City, State Zip)

(302) 594-4509  
(Telephone Number)

**NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal sheet.**

**In the United States District Court  
For The District Of Delaware**

CATHY D. BROOKS-McCOLLUM,  
& Emerald Ridge Service Corporation  
(Derivative)  
115 Emerald Ridge Drive  
Bear, DE 19701  
(302) 832-2694  
Plaintiffs(s)

Civil Action No. 04-419 (JJF)

vs.

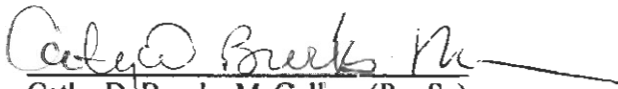
**JURY TRIAL DEMANDED**

State Farm Insurance Company  
Defendants

**CERTIFICATE OF SERVICE**  
**PROOF OF SERVICE**

I Cathy D. Brooks-McCollum hereby certify that on the 2nd day of April 2005, I will and have caused to be served a true and correct copy of the foregoing Notice Of Appeal regular postage mail, postage prepaid and via facsimile, upon Defendants:

Casarino, Christman & Shalk  
Stephen P. Casarino  
800 North King St, Suite 200  
P.O. Box 1276  
Wilmington, DE 19899  
(302) 594-4500  
(302) 594-4509 Fax

  
Cathy D. Brooks-McCollum (Pro Se)  
115 Emerald Ridge Drive  
Bear, DE 19701  
(302) 832-2694

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

**IN AND FOR NEW CASTLE COUNTY**

Cathy D. Brooks-McCollum  
115 Emerald Ridge Drive  
Bear, DE 19701  
(302) 832-2694  
**(PLAINTIFF)**

**CIVIL ACTION NO: 147-N**

vs.

Emerald Ridge Service Corporation Board Of Directors (Excluding Plaintiff)  
Kenneth Shareef, 1 Winchester Court, Bear, DE 19701 (302) 838-7279  
Renford Brevett, 44 Emerald Ridge Drive, Bear, DE 19701 (302) 834-1195  
Maudy Melville, 41 Emerald Ridge Drive, Bear, DE 19701 (302) 834-9324  
Valerie Longhurst, 11 Winchester Court, Bear, DE 19701 (302) 836-3717  
**(DEFENDANTS)**

**MOTION TO REMOVE STAY & RULE UPON INDEMNIFICATION PURSUANT BRIEFS TO  
BE ISSUED PER SUMMARY JUDGMENT ON THE ISSUES OF LAW**

Plaintiff Cathy D. Brooks-McCollum hereby asks that this court remove the Stay on Civil Action 147-N so that this court can decide on proper indemnification of all parties in Civil Action 147-N pursuant a Summary Judgment briefing schedule set and ordered by this court on the issues of law. Plaintiff further informs this court that in that the Title Caption notes All Emerald Ridge Service Corporation Board Of Directors, this would include indemnification for all and any parties appointed by Defendant Shareef who clearly confirmed he was not legal. The fraud crimes, which were committed after the period, are not governed under this court, and will either be addressed in the Superior Court or the US District Court. Since plaintiff never amended her complaint to include the criminal charge in this court and merely was asking this court to outline the rules and regulations, decide indemnification and reimburse Plaintiff for such charges, she asks that this then close this case after the US Court Of Appeals issues its' ruling on which court governs the criminal charges committed by Defendants should it not

remand back to Chancery Court. This court should only be answering now Indemnification, if it chooses to outline the rules and regulations of the Corporation, and reimburse Plaintiff for all prior and future costs associated with these defendants and Plaintiffs & the Corporation. Plaintiff will bring other charges within the proper court before a jury trial based on the US District Court Of Appeals decision, which Plaintiff believes are not issues of law and should not have been placed under Chancery Court to be decided, until the higher courts rule on if this is deemed a Constitutional violation and allows those issues to be heard in its' court. The higher courts also will be answering if it is a constitutional violation for any court to block Plaintiffs and the Corporations indemnification, thus allowing due process to receive legal counsel prior to issues being heard.

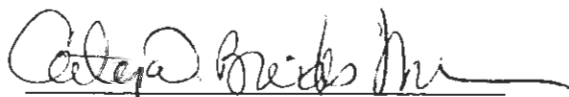
Plaintiff asks that these issues be ruled upon and decided as not to continue to curtail due process of the laws, so that Plaintiff can receive indemnification properly, in that all courts confirmed and agreed that these pleadings were borne out of Plaintiffs duties as a Director and Plaintiff submitted case law, US law and Federal law supporting such.. In noting that none of the Defendants have not submitted anything supporting that they were at that time validly elected Directors, of which the Insurance Policy and the Corporations policies conclude that this is the only way parties can be indemnified. The indemnification issues should be decided upon briefs, in that discovery is not required to show a party being indemnified, when all discoverable documents have been provided to the court.

Whereby, once this court properly answers indemnification in accordance to the laws submitted pursuant briefs submitted as part of Summary Judgment, each party will then be able to proceed with an Appeal if necessary.

Plaintiff informs this court that once it answers the question of indemnification and Order reimbursement of all prior and future court costs, fees and legal cots, be paid prior to final deposition of this case, and the US Court Appeals answers which court governs jurisdiction of the TORT & Criminal charges, in according to our Constitution and if it orders that the Criminal activity committed by

defendants do not properly fall under Chancery Court that this court then may dispose of those charges being amended or filed in this court. Whereby, Plaintiff would have filed the only issues she originally was asking this court to entertain, prior to Defendants resorting to Criminal activity to cover up their actions. Plaintiff does believe that the US Court Of Appeals will govern the criminal charges under either the State Superior Court, or the US District Court.

When this court decides such and should the court dismiss any other issues raised, Plaintiff notifies this court that case law supports that Plaintiff is entitled to be paid for costs associated with all pleadings per, MBCA §8.52, Official Comment (1984), See e.g., Dornan v. Humphrey 106 N.Y.S.2d 142 (N.Y. App. Div. 1951) (statute of limitations), Wisener v. Air Express International Corp., 583 F.2d 579, 583 (2d Cir. 1978), B&B Investment Club v. Kleinert's Inc., 472 F. Supp. 787, 789-91 (E.D. Pa. 1979), Commodity Futures Trading Commission v. Richards 1996 WL 199729 (N.D. Ill. April 23, 1996).



Cathy D. Brooks-McCollum  
115 Emerald Ridge Drive  
Bear, DE 19701  
(302) 832-2694

Dated: April 3, 2005

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

Cathy D. Brooks-McCollum  
115 Emerald Ridge Drive  
Bear, DE 19701  
(302) 832-2694  
**(PLAINTIFF)**

**CIVIL ACTION NO: 147-N**


vs.

Emerald Ridge Service Corporation Board Of Directors (Excluding Plaintiff)  
Kenneth Shareef, 1 Winchester Court, Bear, DE 19701 (302) 838-7279  
Renford Brevett, 44 Emerald Ridge Drive, Bear, DE 19701 (302) 834-1195  
Maudy Melville, 41 Emerald Ridge Drive, Bear, DE 19701 (302) 834-9324  
Valerie Longhurst, 11 Winchester Court, Bear, DE 19701 (302) 836-3717  
**(DEFENDANTS)**

**CERTIFICATE OF SERVICE**

I Cathy D. Brooks-McCollum hereby certify that on the 2<sup>nd</sup> day of April, I have caused to be served a true and correct copy of the foregoing Motion upon the Defendants as listed below by regular mail:

Edward Kafader  
824 North Market Street  
Suite 904  
P.O. Box 1351  
Wilmington, DE 19899  
(302) 575-1555 (Telephone)  
(302) 575-1714 (Fax)



Cathy D. Brooks-McCollum  
115 Emerald Ridge Drive  
Bear, DE 19701  
(302) 832-2694

DATED: April 2, 2005